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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,759	09/24/2003	Ralf Kurten	24583N1US	2799
7590	09/29/2004		EXAMINER	
Martin A. Farber, Esq. Suite 473 866 United Nations Plaza New York, NY 10017			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/670,759	KURTEN ET AL. <i>CF</i>
	Examiner	Art Unit
	Christopher Boswell	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/1/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,019,402 to Arabia, Jr. et al.

Arabia discloses rotary-latch lock (10) having a rotary latch (24) which is retained in a locked position by a catch (26), and having an actuating member (132) which can be displaced by an electric motor (112) from a starting position into an actuating position and is intended for pivoting the catch into a release position, in which the rotary latch can pivot into an open position, wherein a release member (118) is operative by means of the rotary latch, as the latter rotates into the open position, to release the actuating member for the catch for return displacement into the starting position, as in claim 13.

Arabia also discloses the actuating member being displaced from the starting position into the actuating position counter to the restoring force of a spring (28), as in claim 14, and the actuating member is an axially displaceable worm (144) which is arranged in a non-rotatable manner on a shaft (figure 1) which is driven in rotation by a motor, a protrusion (116) of the release member engaging in the worm helix, as in claim 15, wherein the spring (20) is a helical compression spring (column 3, line 66-column 4, line 3), which is seated on the shaft, as in claim 16, and the shaft engages through the fork interior (116) of a fork-like end (figure 5) of the catch,

said end forming the disengaging section, as in claim 18, as well as the protrusion is assigned to one lever arm (82) and another lever arm (84), of the release member, and follows the rotary latch in contact therewith, as in claim 20, and where the shaft (15) runs up against a block when the release position of the catch is reached (column 10, lines 20-23), as in claim 22.

Arabia additionally discloses a stop (122) which is assigned in a rotationally fixed manner to the shaft and strikes against a mating stop (126) when the release position of the catch is reached, as in claim 23, wherein the stop is a radial protrusion (figure 5) and the mating stop is assigned to the disengaging section, as in claim 24, wherein the stop is at an end of the shaft (figure 5), as in claim 25.

Arabia further discloses the actuating member acts on a disengaging section (82) of a catch arrangement, as in claim 17, and the release member is a lever which can be pivoted about a lock-housing-mounted pin (18, figure 2), as in claim 19, as well as a disengaging protrusion (88, 90) which projects radially from the rotary latch and is intended for another lever arm (116) of the release member, as in claim 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to rotary latches with power operated unlatching means:

U.S. Patent Number 6,568,720 to Szablewski, U.S. Patent Number 6,565,131 to Roos, U.S. Patent Number 6,557,911 to Nelsen et al., U.S. Patent Number 6,517,128 to Perkins et al., U.S. Patent Number 6,435,575 to Pajak, U.S. Patent Number 5,419,597 to Brackmann et al., U.S. Patent Number 5,078,436 to Kleefeldt et al.

Art Unit: 3676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

CJB *CB*
September 24, 2004